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Situation

As part of our Safety Together journey and to comply with new federal rules, all practices within the RWJBH and Rutgers clinical enterprise will start sharing visit notes, and other patient data in real-time with patients via current EHR secure patient portals subject to technical feasibility and permissible exceptions, starting April 5, 2021.

B

Background

As you know, under HIPAA, patients have had the right to view their complete medical records (including provider notes) through “traditional means” for many years. Studies have shown that sharing visit notes in real-time with patients improves safety, efficiency, and patient satisfaction, e.g.:

- Twenty-five percent of patients who have access to their medical records (including physician notes) have identified errors. And, they have notified their caregiver to improve accuracy and quality of care.¹
- Up to 87% of patients said that accessing their notes made them feel more in control of their health care.¹

¹OpenNotes for Health Professionals. Retrieved October 28, 2020, from <https://www.opennotes.org/opennotes-for-health-professionals/>

A

Assessment

Open notes sharing is the best practice. Based on this demonstrated efficacy, the Office of the National Coordinator (ONC) of Health Information Technology published the “21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program” final rule in March 2020. Part of this Act requires that all practices begin sharing their clinical notes and appropriate patient data electronically by April 5, 2021

The ONC final rule allows exceptions to this sharing, such as for designated Behavioral Health notes or information which could contribute to patient harm. So, we have undertaken a comprehensive review of all current note types in our various EHR systems to determine which notes fall into an “exception” category. Some of our heritage EHR systems cannot wholly support this requirement from a technology standpoint, so sharing of notes for those systems will begin after our Epic EHR replaces them.

R

Recommendation

- We are adopting the **OpenNotes** ([opennotes.org](https://www.opennotes.org)) methodology, sharing notes through existing patient portals, and eventually transitioning to Epic MyChart.
 - OpenNotes provides free tools and resources that help clinicians and healthcare systems share notes with patients.

- OpenNotes helps patients, families, doctors, nurses, therapists, and others to prepare and share meaningful notes in the EHR, describing a telehealth or office visit.
- OpenNotes puts patients and doctors on the same page.
- In addition to Clinical Notes, we are sharing the rest of the [USCDI \(United States Core Data for Interoperability\)](#), including laboratory test results to portals in real-time without added delays
- We are not sharing any notes that are considered exceptions.
- You will receive ongoing communications about our OpenNotes efforts as appropriate.

A Couple Quick Reminders

We know that you already take care to write professional and accurate notes on your patients, but please remember:

- Your notes are being read from a professional and patient standpoint. Please avoid language that a lay-person and could misinterpret
- It's always good practice to share critical information with patients before they see the information in a clinical note on the patient portal.